

FIRST REGULAR SESSION

SENATE BILL NO. 558

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS MAYER, DAYS, WILSON, CLEMENS AND CHAMPION.

Read 1st time February 26, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

2236S.011

AN ACT

To repeal section 160.545, RSMo, and to enact in lieu thereof two new sections relating to the Missouri promise program.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 160.545, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 160.545 and 173.268, to read as
3 follows:

160.545. 1. There is hereby established within the department of
2 elementary and secondary education the "A+ Schools Program" to be administered
3 by the commissioner of education. The program shall consist of grant awards
4 made to public secondary schools that demonstrate a commitment to ensure that:

5 (1) All students be graduated from school;

6 (2) All students complete a selection of high school studies that is
7 challenging and for which there are identified learning expectations; and

8 (3) All students proceed from high school graduation to a college or
9 postsecondary vocational or technical school or high-wage job with work place
10 skill development opportunities.

11 2. The state board of education shall promulgate rules and regulations for
12 the approval of grants made under the program to schools that:

13 (1) Establish measurable districtwide performance standards for the goals
14 of the program outlined in subsection 1 of this section; and

15 (2) Specify the knowledge, skills and competencies, in measurable terms,
16 that students must demonstrate to successfully complete any individual course
17 offered by the school, and any course of studies which will qualify a student for
18 graduation from the school; and

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 (3) Do not offer a general track of courses that, upon completion, can lead
20 to a high school diploma; and

21 (4) Require rigorous coursework with standards of competency in basic
22 academic subjects for students pursuing vocational and technical education as
23 prescribed by rule and regulation of the state board of education; and

24 (5) Have a partnership plan developed in cooperation and with the advice
25 of local business persons, labor leaders, parents, and representatives of college
26 and postsecondary vocational and technical school representatives, with the plan
27 then approved by the local board of education. The plan shall specify a
28 mechanism to receive information on an annual basis from those who developed
29 the plan in addition to senior citizens, community leaders, and teachers to update
30 the plan in order to best meet the goals of the program as provided in subsection
31 1 of this section. Further, the plan shall detail the procedures used in the school
32 to identify students that may drop out of school and the intervention services to
33 be used to meet the needs of such students. The plan shall outline counseling
34 and mentoring services provided to students who will enter the work force upon
35 graduation from high school, address apprenticeship and intern programs, and
36 shall contain procedures for the recruitment of volunteers from the community
37 of the school to serve in schools receiving program grants.

38 3. A school district may participate in the program irrespective of its
39 accreditation classification by the state board of education, provided it meets all
40 other requirements.

41 4. By rule and regulation, the state board of education may determine a
42 local school district variable fund match requirement in order for a school or
43 schools in the district to receive a grant under the program. However, no school
44 in any district shall receive a grant under the program unless the district
45 designates a salaried employee to serve as the program coordinator, with the
46 district assuming a minimum of one-half the cost of the salary and other benefits
47 provided to the coordinator. Further, no school in any district shall receive a
48 grant under the program unless the district makes available facilities and
49 services for adult literacy training as specified by rule of the state board of
50 education.

51 5. For any school that meets the requirements for the approval of the
52 grants authorized by this section and specified in subsection 2 of this section for
53 three successive school years, by August first following the third such school year,
54 the commissioner of education shall present a plan to the superintendent of the

55 school district in which such school is located for the waiver of rules and
56 regulations to promote flexibility in the operations of the school and to enhance
57 and encourage efficiency in the delivery of instructional services in the
58 school. The provisions of other law to the contrary notwithstanding, the plan
59 presented to the superintendent shall provide a summary waiver, with no
60 conditions, for the pupil testing requirements pursuant to section 160.257 in the
61 school. Further, the provisions of other law to the contrary notwithstanding, the
62 plan shall detail a means for the waiver of requirements otherwise imposed on
63 the school related to the authority of the state board of education to classify
64 school districts pursuant to subdivision (9) of section 161.092, RSMo, and such
65 other rules and regulations as determined by the commissioner of education,
66 except such waivers shall be confined to the school and not other schools in the
67 school district unless such other schools meet the requirements of this
68 subsection. However, any waiver provided to any school as outlined in this
69 subsection shall be void on June thirtieth of any school year in which the school
70 fails to meet the requirements for the approval of the grants authorized by this
71 section as specified in subsection 2 of this section.

72 6. For any school year, grants authorized by subsections 1 to 3 of this
73 section shall be funded with the amount appropriated for this program[, less
74 those funds necessary to reimburse eligible students pursuant to subsection 7 of
75 this section.

76 7. The commissioner of education shall, by rule and regulation of the state
77 board of education and with the advice of the coordinating board for higher
78 education, establish a procedure for the reimbursement of the cost of tuition,
79 books and fees to any public community college or within the limits established
80 in subsection 9 of this section any two-year public or private vocational or
81 technical school for any student:

82 (1) Who has attended a public high school in the state for at least three
83 years immediately prior to graduation that meets the requirements of subsection
84 2 of this section, except that students who are active duty military dependents
85 who, in the school year immediately preceding graduation, meet all other
86 requirements of this subsection and are attending a school that meets the
87 requirements of subsection 2 of this section shall be exempt from the three-year
88 attendance requirement of this subdivision; and

89 (2) Who has made a good faith effort to first secure all available federal
90 sources of funding that could be applied to the reimbursement described in this

91 subsection; and

92 (3) Who has earned a minimal grade average while in high school as
93 determined by rule of the state board of education, and other requirements for the
94 reimbursement authorized by this subsection as determined by rule and
95 regulation of said board.

96 8. The commissioner of education shall develop a procedure for evaluating
97 the effectiveness of the program described in this section. Such evaluation shall
98 be conducted annually with the results of the evaluation provided to the governor,
99 speaker of the house, and president pro tempore of the senate.

100 9. For a two-year public or private vocational or technical school to obtain
101 reimbursements under subsection 7 of this section, except for those schools that
102 are receiving reimbursements on August 28, 2008, the following requirements
103 shall be satisfied:

104 (1) Such two-year public or private vocational or technical school shall be
105 a member of the North Central Association and be accredited by the Higher
106 Learning Commission as of July 1, 2008, and maintain such accreditation;

107 (2) Such two-year public or private vocational or technical school shall be
108 designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code
109 of 1986, as amended;

110 (3) No two-year public or private vocational or technical school shall
111 receive tuition reimbursements in excess of the tuition rate charged by a public
112 community college for course work offered by the private vocational or technical
113 school within the service area of such college; and

114 (4) The reimbursements provided to any two-year private vocational or
115 technical school shall not violate the provisions of article IX, section 8, or article
116 I, section 7, of the Missouri Constitution or the first amendment of the United
117 States Constitution].

**173.268. 1. There is hereby established within the department of
2 higher education the "Missouri Promise Program" to be administered
3 by the commissioner of higher education. The scholarship created in
4 subsection 2 of this section shall be considered as the successor
5 program to the A+ reimbursement program that was created in
6 subsection 7 of section 160.545, RSMo, as it existed prior to the effective
7 date of this section.**

**8 2. For the academic year 2009-2010 and subsequent years the
9 commissioner of higher education shall, by rule and regulation of the**

10 coordinating board for higher education, establish scholarships, based
11 on the cost of tuition and fees at any public community college or
12 vocational or technical school, for use at any public community college
13 or vocational or technical school or within the limits established in
14 subsection 7 of this section at any two-year private vocational or
15 technical school for any student who:

16 (1) Has attended a public high school in the state for at least
17 three years immediately prior to graduation, except that students who
18 are active duty military dependents who, in the school year
19 immediately preceding graduation, meet all other requirements of this
20 subsection shall be exempt from the three-year attendance requirement
21 of this subdivision;

22 (2) Has made a good faith effort to first secure all available
23 federal and state sources of nonrepayable financial assistance that
24 could be applied to the student's tuition and fees;

25 (3) Has earned a grade point average of two and five-tenths
26 points or higher on a four-point scale, or the equivalent on another
27 scale while in high school as determined by rule of the coordinating
28 board for higher education, and other requirements for the scholarship
29 authorized by this subsection as determined by rule and regulation of
30 the board;

31 (4) Enrolls as a full-time student at any public community college
32 or vocational or technical school or within the limits established in
33 subsection 7 of this section at any two-year private vocational or
34 technical school within nine months of graduating from high school;

35 (5) Maintains full-time enrollment; and

36 (6) Maintains a grade point average of two and five-tenths points
37 or higher on a four-point scale or the equivalent on another scale,
38 during the student's enrollment while receiving a scholarship under the
39 provisions of this subsection.

40 3. For the purposes of subsection 4 of this section:

41 (1) "Average tuition" shall be the average of the tuition amounts
42 for the academic year in which the scholarships will be granted for any
43 approved public institution that meets the conditions set forth in
44 subdivision (3) of section 173.1102 and in addition offers baccalaureate
45 degrees;

46 (2) "Tuition" shall have the definition ascribed to under

47 subsection 7 of section 173.1003.

48 4. For the academic year 2009-2010 and subsequent years, the
49 commissioner of higher education shall, by rule and regulation of the
50 coordinating board for higher education, establish a procedure for the
51 provision of scholarships, provided that scholarships for all qualified
52 students under subsection 2 of this section are fully funded. The
53 amount of scholarships under this subsection shall not exceed the
54 lesser of either the tuition for the relevant student or the average
55 tuition to any approved public institution that meets the conditions set
56 forth in subdivision (3) of section 173.1102, and in addition offers
57 baccalaureate degrees. The amount of each scholarship shall be
58 reduced by the amount of a student's award under the federal Pell
59 grant program and any award received under section 173.1105. All
60 scholarships under this subsection shall be subject to appropriation.

61 5. Scholarships shall be awarded to any student who has:

62 (1) (a) For the 2009-2010 academic year, received a
63 reimbursement under subsection 7 of section 160.545, RSMo, during the
64 2008-2009 academic year;

65 (b) For the 2010-2011 academic year and subsequent years,
66 received a scholarship under subsection 2 of this section;

67 (2) Completed an associate of arts degree, an associate's degree
68 that contains the forty-two-hour general education block, or an
69 associate's degree in a program that is part of an articulation
70 agreement recognized by the coordinating board for higher education
71 and enrolls in an approved public institution under subsection 4 of this
72 section within nine months of completing the associate's degree
73 described in this subdivision;

74 (3) Received a scholarship under subsection 4 of this section for
75 no more than six semesters;

76 (4) Made a good faith effort to first secure all available federal
77 and state source of nonrepayable financial assistance that could be
78 applied to the student's tuition and fees;

79 (5) Maintained full-time enrollment; and

80 (6) Maintained a grade point average of three points or higher
81 on a four-point scale or the equivalent on another scale, during the
82 student's enrollment while receiving a scholarship under the provisions
83 of subsection 4 of this section.

84 6. In the event a student receiving a scholarship under
85 subsection 4 of this section has a cumulative grade point average that
86 falls below three points on a four-point scale or the equivalent on
87 another scale at the end of a semester, the student shall be granted a
88 one-semester grace period from the grade point requirement of
89 subdivision (6) of subsection 5 of this section. If the student's grades
90 in the subsequent semester are insufficient to raise the student's
91 cumulative average to three points or more on a four-point scale or the
92 equivalent on another scale, the student shall lose eligibility for the
93 program established under subsection 4 of this section.

94 7. For a two-year private or vocational or technical school to
95 accept scholarships under subsection 2 of this section, the following
96 requirements shall be satisfied:

97 (1) Such two-year or private vocational or technical school shall
98 be a member of the North Central Association and be accredited by the
99 Higher Learning Commission as of July 1, 2008, and maintain such
100 accreditation;

101 (2) Such two-year private vocational or technical school shall be
102 designated as a 501(c)(3) nonprofit organization under the Internal
103 Revenue Code of 1986, as amended;

104 (3) No two-year private vocational or technical school shall
105 receive scholarships in excess of the tuition rate charged by a public
106 community college for course work offered by the private vocational or
107 technical school within the service area of such college; and

108 (4) The scholarships provided to any two-year private vocational
109 or technical school shall not violate the provisions of article IX, section
110 8, or article I, section 7, of the Missouri Constitution or the first
111 amendment of the United States Constitution.

112 8. If appropriated funds are insufficient to fund all eligible
113 students, the department shall adjust scholarship
114 amounts. Scholarships under subdivision 1 of this subsection shall be
115 fully funded prior to any scholarships being distributed under
116 subdivision 2 of this subsection. Scholarships shall be distributed as
117 follows:

118 (1) Students eligible for scholarships under subsection 2 of this
119 section. If appropriated funds are insufficient to fund all students
120 eligible under subsection 2 of this section, scholarship amounts shall

121 be reduced equally for all such students;

122 (2) Students eligible for scholarships under subsection 4 of this
123 section. If appropriated funds are insufficient to fund all students
124 eligible under subsection 4 of this section, scholarship amounts shall
125 be reduced equally for all such students.

126 9. The commissioner of higher education shall develop a
127 procedure for evaluating the effectiveness of the program described in
128 this section. Such evaluation shall be conducted biannually with the
129 results of the evaluation provided to the governor, speaker of the house
130 of representatives, and president pro tempore of the senate.

131 10. Any rule or portion of a rule, as that term is defined in
132 section 536.010, RSMo, that is created under the authority delegated in
133 this section shall become effective only if it complies with and is
134 subject to all of the provisions of chapter 536, RSMo, and, if applicable,
135 section 536.028, RSMo. This section and chapter 536, RSMo, are
136 nonseverable and if any of the powers vested with the general assembly
137 pursuant to chapter 536, RSMo, to review, to delay the effective date,
138 or to disapprove and annul a rule are subsequently held
139 unconstitutional, then the grant of rulemaking authority and any rule
140 proposed or adopted after August 28, 2009, shall be invalid and void.

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